

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRI LEE NICHOLS,

Plaintiff,

v.

Case No. 4:23-cv-10473
District Judge F. Kay Behm
Magistrate Judge Anthony P. Patti

ACCRETIVE CAPITAL, L.L.C.,

Defendant.

/

**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION TO
COMPEL DISCOVERY RESPONSES (ECF No. 24) and STAYING PHASE
II DISCOVERY (ECF No. 19)**

Plaintiff initiated this purported class action Telephone Consumer Protection Act (TCPA) case on February 24, 2023. Phase I discovery began on November 28, 2023, and Phase II discovery began on March 28, 2024. (ECF No. 19.)

Currently before the Court is Plaintiff's May 21, 2024 motion to compel discovery responses (ECF No. 24), for which a response was due on June 4, 2024.

See E.D. Mich. LR 7.1(e)(1); *see also* E.D. Mich. LR 7.1(c)(1) ("A respondent opposing a motion must file a response, including a brief and supporting documents then available."). On June 10, 2024, Attorneys Anthony I. Paronich, Isaac Julian Colunga, and Michael Leo Pomeranz appeared for a video status conference (ECF No. 25). During the conference, defense counsel explained that no response was filed because the parties were working on resolution of the

motion. Defense counsel also explained that some of the requested discovery related to Phase II and that Defendant soon would be filing a motion for summary judgment. The parties all agreed that Phase II discovery ought to be delayed, pending a decision on the impending motion for summary judgment.

Upon consideration, further discovery is **STAYED** pending the Court's resolution of Defendant's forthcoming motion for summary judgment. If this case survives the dispositive motion, then there will be an additional scheduling conference for Phase II discovery, which the parties should request from my chambers at that point. Plaintiff's motion to compel (ECF No. 24) is **DENIED WITHOUT PREJUDICE** pursuant to the parties' agreement to exchange certain answers / responses by **June 28, 2024**. If this does not occur, then Plaintiff may renew her motion, even during the stay period if necessary, to the extent it relates to Phase I discovery.

Finally, considering Judge Behm has referred this case for pretrial matters, excluding dispositive motions (ECF No. 5), the parties are reminded to review the Undersigned's Practice Guidelines regarding "Discovery and Discovery Motions" and "Motion Practice." See www.mied.uscourts.gov.

IT IS SO ORDERED.¹

¹ The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days after being served with a copy of this order within

Dated: June 12, 2024

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Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).